



## Senate

General Assembly

**File No. 395**

*January Session, 2003*

Substitute Senate Bill No. 1024

*Senate, April 16, 2003*

The Committee on Planning and Development reported through SEN. FONFARA of the 1st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING CONSISTENCY IN MUNICIPAL LAND USE ADMINISTRATIVE REVIEW PROCESSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-3 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (a) Such zoning commission shall provide for the manner in which  
5 regulations under section 8-2 or 8-2j and the boundaries of zoning  
6 districts shall be respectively established or changed. No such  
7 regulation or boundary shall become effective or be established or  
8 changed until after a public hearing in relation thereto, held by a  
9 majority of the members of the zoning commission or a committee  
10 thereof appointed for that purpose consisting of at least five members,  
11 [ at which parties in interest and citizens shall have an opportunity to  
12 be heard. Notice of the time and place of such hearing shall be

13 published in the form of a legal advertisement appearing in a  
14 newspaper having a substantial circulation in such municipality at  
15 least twice at intervals of not less than two days, the first not more than  
16 fifteen days nor less than ten days, and the last not less than two days,  
17 before such hearing, and a] Such hearing shall be held in accordance  
18 with the provisions of section 8-7d, as amended by this act. A copy of  
19 such proposed regulation or boundary shall be filed in the office of the  
20 town, city or borough clerk, as the case may be, in such municipality,  
21 but, in the case of a district, in the offices of both the district clerk and  
22 the town clerk of the town in which such district is located, for public  
23 inspection at least ten days before such hearing, and may be published  
24 in full in such paper. [In addition to such notice, such zoning  
25 commission may, by regulation, provide for notice by mail to persons  
26 who are owners of land which is included in or adjacent to the land  
27 which is the subject of the hearing.] The commission may require a  
28 filing fee to be deposited with the commission to defray the cost of  
29 publication of the notice required for a hearing.

30 Sec. 2. Section 8-3b of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective October 1, 2003*):

32 When the zoning commission of any municipality proposes to  
33 establish or change a zone or any regulation affecting the use of a zone  
34 any portion of which is within five hundred feet of the boundary of  
35 another municipality located within the area of operation of a regional  
36 planning agency, the zoning commission shall give written notice of its  
37 proposal to the regional planning agency or agencies of the region in  
38 which it and the other municipality are located. [not later than thirty-  
39 five days before the public hearing to be held in relation thereto.] Such  
40 notice shall be made by certified mail, return receipt requested not  
41 later than thirty days before the public hearing to be held in relation  
42 thereto. The regional planning agency shall study such proposal and  
43 shall report its findings and recommendations thereon to the zoning  
44 commission at or before the hearing, and such report shall be [read  
45 aloud at the hearing] made a part of the record of such hearing. The  
46 report of any regional planning agency of any region that is contiguous

47 to Long Island Sound shall include findings and recommendations on  
48 the environmental impact of the proposal on the ecosystem and habitat  
49 of Long Island Sound. If such report of the regional planning agency is  
50 not submitted at or before the hearing, it shall be presumed that such  
51 agency does not disapprove of the proposal. A regional planning  
52 agency receiving such a notice may transmit such notice to the  
53 Secretary of the Office of Policy and Management or his designee for  
54 comment. The planning agency may designate its executive committee  
55 to act for it under this section or may establish a subcommittee for the  
56 purpose. The report of said planning agency shall be purely advisory.

57 Sec. 3. Subsection (b) of section 8-3c of the general statutes is  
58 repealed and the following is substituted in lieu thereof (*Effective*  
59 *October 1, 2003*):

60 (b) The zoning commission or combined planning and zoning  
61 commission of any municipality shall hold a public hearing on an  
62 application or request for a special permit or special exception, as  
63 provided in section 8-2, and on an application for a special exemption  
64 under section 8-2g. Such hearing shall be held in accordance with the  
65 provisions of section 8-7d, as amended by this act. The commission  
66 shall not render a decision on the application until the inland wetlands  
67 agency has submitted a report with its final decision to such  
68 commission. In making its decision the zoning commission shall give  
69 due consideration to the report of the inland wetlands agency. [Notice  
70 of the time and place of such hearing shall be published in a  
71 newspaper having a substantial circulation in such municipality at  
72 least twice, at intervals of not less than two days, the first not more  
73 than fifteen days, nor less than ten days, and the last not less than two  
74 days before the date of such hearing. In addition to such notice, such  
75 zoning commission may, by regulation, provide for notice by mail to  
76 persons who are owners of land which is adjacent to the land which is  
77 the subject of the hearing. At such hearing any party may appear in  
78 person and may be represented by agent or by attorney.] Such  
79 commission shall decide upon such application or request within the  
80 period of time permitted under section 8-7d, as amended by this act.

81 Whenever a commission grants or denies a special permit or special  
82 exception, it shall state upon its records the reason for its decision.  
83 Notice of the decision of the commission shall be published in a  
84 newspaper having a substantial circulation in the municipality and  
85 addressed by certified mail to the person who requested or applied for  
86 a special permit or special exception, by its secretary or clerk, under his  
87 signature in any written, printed, typewritten or stamped form, within  
88 fifteen days after such decision has been rendered. In any case in  
89 which such notice is not published within such fifteen-day period, the  
90 person who requested or applied for such special permit or special  
91 exception may provide for the publication of such notice within ten  
92 days thereafter. Such permit or exception shall become effective upon  
93 the filing of a copy thereof (1) in the office of the town, city or borough  
94 clerk, as the case may be, but, in the case of a district, in the offices of  
95 both the district clerk and the town clerk of the town in which such  
96 district is located and (2) in the land records of the town in which the  
97 affected premises are located, in accordance with the provisions of  
98 section 8-3d.

99 Sec. 4. Section 8-7 of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective October 1, 2003*):

101 The concurring vote of four members of the zoning board of appeals  
102 shall be necessary to reverse any order, requirement or decision of the  
103 official charged with the enforcement of the zoning regulations or to  
104 decide in favor of the applicant any matter upon which it is required to  
105 pass under any bylaw, ordinance, rule or regulation or to vary the  
106 application of the zoning bylaw, ordinance, rule or regulation. An  
107 appeal may be taken to the zoning board of appeals by any person  
108 aggrieved or by any officer, department, board or bureau of any  
109 municipality aggrieved and shall be taken within such time as is  
110 prescribed by a rule adopted by said board, or, if no such rule is  
111 adopted by the board, within thirty days, by filing with the zoning  
112 commission or the officer from whom the appeal has been taken and  
113 with said board a notice of appeal specifying the grounds thereof. The  
114 officer from whom the appeal has been taken shall forthwith transmit

115 to said board all the papers constituting the record upon which the  
116 action appealed from was taken. An appeal shall not stay any such  
117 order, requirement or decision which prohibits further construction or  
118 expansion of a use in violation of such zoning regulations except to  
119 such extent that the board grants a stay thereof. An appeal from any  
120 other order, requirement or decision shall stay all proceedings in the  
121 action appealed from unless the zoning commission or the officer from  
122 whom the appeal has been taken certifies to the zoning board of  
123 appeals after the notice of appeal has been filed that by reason of facts  
124 stated in the certificate a stay would cause imminent peril to life or  
125 property, in which case proceedings shall not be stayed, except by a  
126 restraining order which may be granted by a court of record on  
127 application, on notice to the zoning commission or the officer from  
128 whom the appeal has been taken and on due cause shown. [Such  
129 board shall, within the period of time permitted under section 8-7d,  
130 hear such appeal and give due notice thereof to the parties. Notice of  
131 the time and place of such hearing shall be published in a newspaper  
132 having a substantial circulation in such municipality at least twice at  
133 intervals of not less than two days, the first not more than fifteen days,  
134 nor less than ten days, and the last not less than two days before such  
135 hearing. In addition to such notice, such board may, by regulation,  
136 provide for notice by mail to persons who are owners of land which is  
137 adjacent to the land which is the subject of the hearing. At such  
138 hearing any party may appear in person and may be represented by  
139 agent or by attorney.] The board shall hold a public hearing on such  
140 appeal in accordance with the provisions of section 8-7d, as amended  
141 by this act. Such board may reverse or affirm wholly or partly or may  
142 modify any order, requirement or decision appealed from and shall  
143 make such order, requirement or decision as in its opinion should be  
144 made in the premises and shall have all the powers of the officer from  
145 whom the appeal has been taken but only in accordance with the  
146 provisions of this section. Whenever a zoning board of appeals grants  
147 or denies any special exception or variance in the zoning regulations  
148 applicable to any property or sustains or reverses wholly or partly any  
149 order, requirement or decision appealed from, it shall state upon its

150 records the reason for its decision and the zoning bylaw, ordinance or  
151 regulation which is varied in its application or to which an exception is  
152 granted and, when a variance is granted, describe specifically the  
153 exceptional difficulty or unusual hardship on which its decision is  
154 based. Notice of the decision of the board shall be published in a  
155 newspaper having a substantial circulation in the municipality and  
156 addressed by certified mail to any person who appeals to the board, by  
157 its secretary or clerk, under his signature in any written, printed,  
158 typewritten or stamped form, within fifteen days after such decision  
159 has been rendered. In any case in which such notice is not published  
160 within such fifteen-day period, the person who requested or applied  
161 for such special exception or variance or took such appeal may provide  
162 for the publication of such notice within ten days thereafter. Such  
163 exception or variance shall become effective upon the filing of a copy  
164 thereof (1) in the office of the town, city or borough clerk, as the case  
165 may be, but, in the case of a district, in the offices of both the district  
166 clerk and the town clerk of the town in which such district is located  
167 and (2) in the land records of the town in which the affected premises  
168 are located, in accordance with the provisions of section 8-3d.

169 Sec. 5. Section 8-7d of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective October 1, 2003*):

171 (a) [Except as provided in subsection (b) of this section, in] In all  
172 matters wherein a formal petition, application, request or appeal must  
173 be submitted to a zoning commission, planning and zoning  
174 commission, [or] zoning board of appeals under this chapter, planning  
175 commission under chapter 126 or inland wetlands agency under  
176 chapter 440 and a hearing is required or otherwise held on such  
177 petition, application, request or appeal, such hearing shall commence  
178 within sixty-five days after receipt of such petition, application,  
179 request or appeal and shall be completed within thirty-five days after  
180 such hearing commences, unless a shorter period of time is required  
181 under this chapter or chapter 126 or 440. Notice of the hearing shall be  
182 published in a newspaper having a general circulation in such  
183 municipality where the land that is the subject of the hearing is located

184 at least twice at intervals of not less than two days, the first not more  
185 than fifteen days, nor less than ten days, and the last not less than two  
186 days before the date set for the hearing. In addition to such notice,  
187 such commission, board or agency may, by regulation, provide for  
188 notice to persons who own or occupy land that is adjacent to the land  
189 that is the subject of the hearing. All applications and maps and  
190 documents relating thereto shall be open for public inspection. At such  
191 hearing any person or persons may appear and be heard and may be  
192 represented by agent or by attorney. All decisions on such matters  
193 shall be rendered within sixty-five days after completion of such  
194 hearing unless a shorter period of time is required pursuant to this  
195 chapter, chapter 126 or chapter 440. The petitioner or applicant may  
196 consent to one or more extensions of any period specified in this  
197 subsection, provided the total extension of [any] all such [period]  
198 periods shall not be for longer than [the original period as specified in  
199 this subsection] sixty-five days, or may withdraw such petition,  
200 application, request or appeal.

201 (b) [Whenever] Notwithstanding the provisions of subsection (a) of  
202 this section, whenever the approval of a site plan is the only  
203 requirement to be met or remaining to be met under the zoning  
204 regulations for any building, use or structure, a decision on an  
205 application for approval of such site plan shall be rendered within  
206 sixty-five days after receipt of such site plan. Whenever a decision is to  
207 be made on an application for subdivision approval under chapter 126  
208 on which no hearing is held, such decision shall be rendered within  
209 sixty-five days after receipt of such application. Whenever a decision is  
210 to be made on an inland wetlands and watercourses application under  
211 chapter 440 on which no hearing is held, such decision shall be  
212 rendered within sixty-five days after receipt of such application. The  
213 applicant may consent to one or more extensions of such period,  
214 provided the total period of any such extension or extensions shall not  
215 exceed [two further sixty-five-day periods,] sixty-five days or may  
216 withdraw such plan or application.

217 (c) For purposes of subsection (a) or (b) of this section and section 13

218 of this act, the [day] date of receipt of a petition, application, request or  
219 appeal shall be the day of the next regularly scheduled meeting of such  
220 commission, [or] board or agency, immediately following the day of  
221 submission to such [board or] commission, board or agency or its  
222 agent of such petition, application, request or appeal or thirty-five days  
223 after such submission, whichever is sooner. If the commission, [or]  
224 board or agency does not maintain an office with regular office hours,  
225 the office of the clerk of the municipality shall act as the agent of such  
226 commission, [or] board or agency for the receipt of any petition,  
227 application, request or appeal.

228 (d) The provisions of subsection (a) of this section shall not apply to  
229 any action initiated by any zoning or planning and zoning commission  
230 regarding adoption or change of any zoning regulation or boundary.

231 (e) Notwithstanding the provisions of this section, if an application  
232 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
233 inclusive, as amended by this act, and the time for a decision by a  
234 zoning commission or planning and zoning commission established  
235 pursuant to this section would elapse prior to the thirty-fifth day after  
236 a decision by the inland wetlands agency, the time period for a  
237 decision shall be extended to thirty-five days after the decision of such  
238 agency. The provisions of this subsection shall not be construed to  
239 apply to any extension consented to by an applicant or petitioner.

240 (f) The zoning commission, planning commission, zoning and  
241 planning commission, zoning board of appeals or inland wetlands  
242 agency shall notify the clerk of any adjoining municipality of the  
243 pendency of any application, petition, appeal, request or plan  
244 concerning any project on any site in which: (1) Any portion of the  
245 property affected by a decision of such commission, board or agency is  
246 within five hundred feet of the boundary of the adjoining  
247 municipality; (2) a significant portion of the traffic to the completed  
248 project on the site will use streets within the adjoining municipality to  
249 enter or exit the site; (3) a significant portion of the sewer or water  
250 drainage from the project on the site will flow through and



251 significantly impact the drainage or sewerage system within the  
252 adjoining municipality; or (4) water runoff from the improved site will  
253 impact streets or other municipal or private property within the  
254 adjoining municipality. Such notice shall be made by certified mail,  
255 return receipt requested, and shall be mailed within seven days of the  
256 date of receipt of the application, petition, request or plan. Such  
257 adjoining municipality may, through a representative, appear and be  
258 heard at any hearing on any such application, petition, appeal, request  
259 or plan.

260       Sec. 6. Subsection (a) of section 8-25 of the general statutes is  
261 repealed and the following is substituted in lieu thereof (*Effective*  
262 *October 1, 2003*):

263       (a) No subdivision of land shall be made until a plan for such  
264 subdivision has been approved by the commission. Any person, firm  
265 or corporation making any subdivision of land without the approval of  
266 the commission shall be fined not more than five hundred dollars for  
267 each lot sold or offered for sale or so subdivided. Any plan for  
268 subdivision shall, upon approval, or when taken as approved by  
269 reason of the failure of the commission to act, be filed or recorded by  
270 the applicant in the office of the town clerk within ninety days of the  
271 expiration of the appeal period under section 8-8, or in the case of an  
272 appeal, within ninety days of the termination of such appeal by  
273 dismissal, withdrawal or judgment in favor of the applicant but, if it is  
274 a plan for subdivision wholly or partially within a district, it shall be  
275 filed in the offices of both the district clerk and the town clerk, and any  
276 plan not so filed or recorded within the prescribed time shall become  
277 null and void, except that the commission may extend the time for  
278 such filing for two additional periods of ninety days and the plan shall  
279 remain valid until the expiration of such extended time. All such plans  
280 shall be delivered to the applicant for filing or recording not more than  
281 thirty days after the time for taking an appeal from the action of the  
282 commission has elapsed or not more than thirty days after the date  
283 that plans modified in accordance with the commission's approval and  
284 that comply with section 7-31 are delivered to the commission,

285 whichever is later, and in the event of an appeal, not more than thirty  
286 days after the termination of such appeal by dismissal, withdrawal or  
287 judgment in favor of the applicant or not more than thirty days after  
288 the date that plans modified in accordance with the commission's  
289 approval and that comply with section 7-31 are delivered to the  
290 commission, whichever is later. No such plan shall be recorded or filed  
291 by the town clerk or district clerk or other officer authorized to record  
292 or file plans until its approval has been endorsed thereon by the  
293 chairman or secretary of the commission, and the filing or recording of  
294 a subdivision plan without such approval shall be void. Before  
295 exercising the powers granted in this section, the commission shall  
296 adopt regulations covering the subdivision of land. No such  
297 regulations shall become effective until after a public hearing [, notice  
298 of the time, place and purpose of which shall be given by publication  
299 in a newspaper of general circulation in the municipality at least twice,  
300 at intervals of not less than two days, the first not more than fifteen  
301 days nor less than ten days, and the last not less than two days prior to  
302 the date of such hearing] held in accordance with the provisions of  
303 section 8-7d, as amended by this act. Such regulations shall provide  
304 that the land to be subdivided shall be of such character that it can be  
305 used for building purposes without danger to health or the public  
306 safety, that proper provision shall be made for water, sewerage and  
307 drainage, including the upgrading of any downstream ditch, culvert or  
308 other drainage structure which, through the introduction of additional  
309 drainage due to such subdivision, becomes undersized and creates the  
310 potential for flooding on a state highway, and, in areas contiguous to  
311 brooks, rivers or other bodies of water subject to flooding, including  
312 tidal flooding, that proper provision shall be made for protective flood  
313 control measures and that the proposed streets are in harmony with  
314 existing or proposed principal thoroughfares shown in the plan of  
315 conservation and development as described in section 8-23, especially  
316 in regard to safe intersections with such thoroughfares, and so  
317 arranged and of such width, as to provide an adequate and convenient  
318 system for present and prospective traffic needs. Such regulations shall  
319 also provide that the commission may require the provision of open

320 spaces, parks and playgrounds when, and in places, deemed proper by  
321 the planning commission, which open spaces, parks and playgrounds  
322 shall be shown on the subdivision plan. Such regulations may, with  
323 the approval of the commission, authorize the applicant to pay a fee to  
324 the municipality or pay a fee to the municipality and transfer land to  
325 the municipality in lieu of any requirement to provide open spaces.  
326 Such payment or combination of payment and the fair market value of  
327 land transferred shall be equal to not more than ten per cent of the fair  
328 market value of the land to be subdivided prior to the approval of the  
329 subdivision. The fair market value shall be determined by an appraiser  
330 jointly selected by the commission and the applicant. A fraction of  
331 such payment the numerator of which is one and the denominator of  
332 which is the number of approved parcels in the subdivision shall be  
333 made at the time of the sale of each approved parcel of land in the  
334 subdivision and placed in a fund in accordance with the provisions of  
335 section 8-25b. The open space requirements of this section shall not  
336 apply if the transfer of all land in a subdivision of less than five parcels  
337 is to a parent, child, brother, sister, grandparent, grandchild, aunt,  
338 uncle or first cousin for no consideration, or if the subdivision is to  
339 contain affordable housing, as defined in section 8-39a, equal to twenty  
340 per cent or more of the total housing to be constructed in such  
341 subdivision. Such regulations, on and after July 1, 1985, shall provide  
342 that proper provision be made for soil erosion and sediment control  
343 pursuant to section 22a-329. Such regulations shall not impose  
344 conditions and requirements on manufactured homes having as their  
345 narrowest dimension twenty-two feet or more and built in accordance  
346 with federal manufactured home construction and safety standards or  
347 on lots containing such manufactured homes which are substantially  
348 different from conditions and requirements imposed on single-family  
349 dwellings and lots containing single-family dwellings. Such  
350 regulations shall not impose conditions and requirements on  
351 developments to be occupied by manufactured homes having as their  
352 narrowest dimension twenty-two feet or more and built in accordance  
353 with federal manufactured home construction and safety standards  
354 which are substantially different from conditions and requirements

355 imposed on multifamily dwellings, lots containing multifamily  
356 dwellings, cluster developments or planned unit developments. The  
357 commission may also prescribe the extent to which and the manner in  
358 which streets shall be graded and improved and public utilities and  
359 services provided and, in lieu of the completion of such work and  
360 installations previous to the final approval of a plan, the commission  
361 may accept a bond in an amount and with surety and conditions  
362 satisfactory to it securing to the municipality the actual construction,  
363 maintenance and installation of such improvements and utilities  
364 within a period specified in the bond. Such regulations may provide,  
365 in lieu of the completion of the work and installations above referred  
366 to, previous to the final approval of a plan, for an assessment or other  
367 method whereby the municipality is put in an assured position to do  
368 such work and make such installations at the expense of the owners of  
369 the property within the subdivision. Such regulations may provide  
370 that in lieu of either the completion of the work or the furnishing of a  
371 bond as provided in this section, the commission may authorize the  
372 filing of a plan with a conditional approval endorsed thereon. Such  
373 approval shall be conditioned on (1) the actual construction,  
374 maintenance and installation of any improvements or utilities  
375 prescribed by the commission, or (2) the provision of a bond as  
376 provided in this section. Upon the occurrence of either of such events,  
377 the commission shall cause a final approval to be endorsed thereon in  
378 the manner provided by this section. Any such conditional approval  
379 shall lapse five years from the date it is granted, provided the  
380 applicant may apply for and the commission may, in its discretion,  
381 grant a renewal of such conditional approval for an additional period  
382 of five years at the end of any five-year period, except that the  
383 commission may, by regulation, provide for a shorter period of  
384 conditional approval or renewal of such approval. Any person, firm or  
385 corporation who, prior to such final approval, sells or offers for sale  
386 any lot subdivided pursuant to a conditional approval shall be fined  
387 not more than five hundred dollars for each lot sold or offered for sale.

388 Sec. 7. Section 8-26 of the general statutes is repealed and the  
389 following is substituted in lieu thereof (*Effective October 1, 2003*):

390 All plans for subdivisions and resubdivisions, including  
391 subdivisions and resubdivisions in existence but which were not  
392 submitted to the commission for required approval, whether or not  
393 shown on an existing map or plan or whether or not conveyances have  
394 been made of any of the property included in such subdivisions or  
395 resubdivisions, shall be submitted to the commission with an  
396 application in the form to be prescribed by it. The commission shall  
397 have the authority to determine whether the existing division of any  
398 land constitutes a subdivision or resubdivision under the provisions of  
399 this chapter, provided nothing in this section shall be deemed to  
400 authorize the commission to approve any such subdivision or  
401 resubdivision which conflicts with applicable zoning regulations. Such  
402 regulations may contain provisions whereby the commission may  
403 waive certain requirements under the regulations by a three-quarters  
404 vote of all the members of the commission in cases where conditions  
405 exist which affect the subject land and are not generally applicable to  
406 other land in the area, provided that the regulations shall specify the  
407 conditions under which a waiver may be considered and shall provide  
408 that no waiver shall be granted that would have a significant adverse  
409 effect on adjacent property or on public health and safety. The  
410 commission shall state upon its records the reasons for which a waiver  
411 is granted in each case. The commission may establish a schedule of  
412 fees and charge such fees. The amount of the fees shall be sufficient to  
413 cover the costs of processing subdivision applications, including, but  
414 not limited to, the cost of registered or certified mailings and the  
415 publication of notices, and the costs of inspecting subdivision  
416 improvements. Any schedule of fees established under this section  
417 shall be superseded by fees established by ordinance under section 8-  
418 1c. The commission may hold a public hearing regarding any  
419 subdivision proposal if, in its judgment, the specific circumstances  
420 require such action. No plan of resubdivision shall be acted upon by  
421 the commission without a public hearing. [Notice of the public hearing  
422 shall be given by publication in a newspaper of general circulation in  
423 the municipality at least twice at intervals of not less than two days,  
424 the first not more than fifteen days, nor less than ten days, and the last

425 not less than two days prior to the date of such hearing, and by  
426 sending a copy thereof by registered or certified mail to the applicant.  
427 In addition to such notice, such commission may, by regulation,  
428 provide for notice by mail to persons who are owners of land which is  
429 adjacent to the land which is the subject of the hearing.] Such public  
430 hearing shall be held in accordance with the provisions of section 8-7d,  
431 as amended by this act. The commission shall approve, modify and  
432 approve, or disapprove any subdivision or resubdivision application  
433 or maps and plans submitted therewith, including existing  
434 subdivisions or resubdivisions made in violation of this section, within  
435 the period of time permitted under section 8-26d, as amended by this  
436 act. Notice of the decision of the commission shall be published in a  
437 newspaper having a substantial circulation in the municipality and  
438 addressed by certified mail to any person applying to the commission  
439 under this section, by its secretary or clerk, under his signature in any  
440 written, printed, typewritten or stamped form, within fifteen days after  
441 such decision has been rendered. In any case in which such notice is  
442 not published within such fifteen-day period, the person who made  
443 such application may provide for the publication of such notice within  
444 ten days thereafter. Such notice shall be a simple statement that such  
445 application was approved, modified and approved or disapproved,  
446 together with the date of such action. The failure of the commission to  
447 act thereon shall be considered as an approval, and a certificate to that  
448 effect shall be issued by the commission on demand. The grounds for  
449 its action shall be stated in the records of the commission. No planning  
450 commission shall be required to consider an application for approval  
451 of a subdivision plan while another application for subdivision of the  
452 same or substantially the same parcel is pending before the  
453 commission. For the purposes of this section, an application is not  
454 "pending before the commission" if the commission has rendered a  
455 decision with respect to such application and such decision has been  
456 appealed to the Superior Court. If an application involves land  
457 regulated as an inland wetland or watercourse under the provisions of  
458 chapter 440, the applicant shall submit an application to the agency  
459 responsible for administration of the inland wetlands regulations no

460 later than the day the application is filed for the subdivision or  
461 resubdivision. The commission shall not render a decision until the  
462 inland wetlands agency has submitted a report with its final decision  
463 to such commission. In making its decision the commission shall give  
464 due consideration to the report of the inland wetlands agency. In  
465 making a decision on an application, the commission shall consider  
466 information submitted by the applicant under subsection (b) of section  
467 8-25 concerning passive solar energy techniques. The provisions of this  
468 section shall apply to any municipality which exercises planning  
469 power pursuant to any special act.

470 Sec. 8. Section 8-26b of the general statutes is repealed and the  
471 following is substituted in lieu thereof (*Effective October 1, 2003*):

472 Whenever a subdivision of land is planned, the area of which will  
473 abut or include land in two or more municipalities one or both of  
474 which are within a region or regions having a regional planning  
475 agency or agencies, the planning commission, where one exists, of each  
476 such municipality shall, before approving the plan, [submit it ,] give  
477 written notice of such subdivision plan to the regional planning agency  
478 or agencies of the region in which it or the other municipality is  
479 located. Such notice shall be made by certified mail, return receipt  
480 requested not later than thirty days before the public hearing to be  
481 held in relation thereto. A regional planning agency receiving such  
482 [report] notice shall, [within thirty days,] at or before the hearing  
483 report to each such planning commission and to the proponent of such  
484 subdivision on its findings on the intermunicipal aspects of the  
485 proposed subdivision, including street layout, storm drainage, sewer  
486 and water service and such other matters as it considers appropriate. If  
487 such report of a regional planning agency is not submitted, [within  
488 thirty days after transmittal] at or before the hearing, it shall be  
489 presumed that such agency does not disapprove of the proposed  
490 subdivision. A regional planning agency may designate its executive  
491 committee to act for it under this section or it may establish a  
492 subcommittee for the purpose. The report of such regional planning  
493 agency shall be purely advisory.

494 Sec. 9. Section 8-26d of the general statutes is repealed and the  
495 following is substituted in lieu thereof (*Effective October 1, 2003*):

496 [(a)] In all matters wherein a formal application, request or appeal is  
497 submitted to a planning commission under this chapter [and a hearing  
498 is held on such application, request or appeal, such hearing shall  
499 commence within sixty-five days after receipt of such application,  
500 request or appeal and shall be completed within thirty-five days after  
501 such hearing commences. All decisions on such matters shall be  
502 rendered within sixty-five days after completion of such hearing. The  
503 applicant may consent to one or more extensions of any period  
504 specified in this subsection, provided the total extension of any such  
505 period shall not be for longer than the original period as specified in  
506 this subsection, or may withdraw such application, request or appeal]  
507 all public hearings shall be held and all decisions made in accordance  
508 with the provisions of section 8-7d, as amended by this act.

509 [(b) A decision on an application for subdivision approval, on which  
510 no hearing is held, shall be rendered within sixty-five days after  
511 receipt of such application. The applicant may consent to one or more  
512 extensions of such period, provided the total period of any such  
513 extension or extensions shall not exceed sixty-five days.

514 (c) For purposes of subsection (a) or (b) of this section, the receipt of  
515 an application, request or appeal shall be the day of the next regularly  
516 scheduled meeting of such commission or board, immediately  
517 following the day of submission to such board or commission or its  
518 agent of such application, request or appeal or thirty-five days after  
519 such submission, whichever is sooner. If the commission or board does  
520 not maintain an office with regular office hours, the office of the clerk  
521 of the municipality shall act as the agent of such commission or board  
522 for the receipt of any application, request or appeal.

523 (d) Notwithstanding the provisions of this section, if an application  
524 involves an activity regulated pursuant to sections 22a-36 to 22a-45,  
525 inclusive, and the time for a decision by a planning commission  
526 established pursuant to this section would elapse prior to the thirty-



527 fifth day after a decision by the inland wetlands, the time period for a  
528 decision shall be extended to thirty-five days after the decision of such  
529 agency. The provisions of this subsection shall not be construed to  
530 apply to any extension consented to by an applicant.]

531 Sec. 10. Section 8-26e of the general statutes is repealed and the  
532 following is substituted in lieu thereof (*Effective October 1, 2003*):

533 The planning commission of any municipality shall hold a public  
534 hearing on an application or request for a special permit or special  
535 exception, as provided in section 8-2. [Notice of the time and place of  
536 such hearing shall be published in a newspaper having a substantial  
537 circulation in such municipality at least twice, at intervals of not less  
538 than two days, the first not more than fifteen days, nor less than ten  
539 days, and the last not less than two days before the date of such  
540 hearing. In addition to such notice, such planning commission may, by  
541 regulation, provide for notice by mail to persons who are owners of  
542 land which is adjacent to the land which is the subject of the hearing.  
543 At such hearing any party may appear in person and may be  
544 represented by agent or by attorney.] Any such public hearing shall be  
545 held in accordance with the provisions of section 8-7d, as amended by  
546 this act. Such commission shall decide upon such application or  
547 request within the period of time permitted under section 8-26d, as  
548 amended by this act. Whenever a commission grants or denies a  
549 special permit or special exception, it shall state upon its records the  
550 reason for its decision. Notice of the decision of the commission shall  
551 be published in a newspaper having a substantial circulation in the  
552 municipality and addressed by certified mail to the person who  
553 requested or applied for a special permit or special exception, by its  
554 secretary or clerk, under his signature in any written, printed,  
555 typewritten or stamped form, within fifteen days after such decision  
556 has been rendered. In any case in which such notice is not published  
557 within such fifteen-day period, the person who requested or applied  
558 for such a special permit or special exception may provide for the  
559 publication of such notice within ten days thereafter. Such permit or  
560 exception shall become effective upon the filing of a copy thereof (1) in

561 the office of the town, city or borough clerk, as the case may be, but, in  
562 the case of a district, in the offices of both the district clerk and the  
563 town clerk of the town in which such district is located, and (2) in the  
564 land records of the town in which the affected premises are located, in  
565 accordance with the provisions of section 8-3d.

566 Sec. 11. Subsection (b) of section 22a-42a of the general statutes is  
567 repealed and the following is substituted in lieu thereof (*Effective*  
568 *October 1, 2003*):

569 (b) No regulations of an inland wetlands agency including  
570 boundaries of inland wetland and watercourse areas shall become  
571 effective or be established until after a public hearing in relation  
572 thereto is held by the inland wetlands agency, [at which parties in  
573 interest and citizens shall have an opportunity to be heard. Notice of  
574 the time and place of such hearing shall be published in the form of a  
575 legal advertisement, appearing in a newspaper having a substantial  
576 circulation in the municipality at least twice at intervals of not less than  
577 two days, the first not more than fifteen days nor less than ten days,  
578 and the last not less than two days, before such hearing, and a] Any  
579 such hearing shall be held in accordance with the provisions of section  
580 8-7d, as amended by this act. A copy of such proposed regulation or  
581 boundary shall be filed in the office of the town, city or borough clerk  
582 as the case may be, in such municipality, for public inspection at least  
583 ten days before such hearing, and may be published in full in such  
584 paper. A copy of the notice and the proposed regulations or  
585 amendments thereto, except determinations of boundaries, shall be  
586 provided to the commissioner at least thirty-five days before such  
587 hearing. Such regulations and inland wetland and watercourse  
588 boundaries may be from time to time amended, changed or repealed,  
589 by majority vote of the inland wetlands agency, after a public hearing  
590 in relation thereto is held by the inland wetlands agency, [at which  
591 parties in interest and citizens shall have an opportunity to be heard  
592 and for which notice shall be published in the manner specified in this  
593 subsection] in accordance with the provisions of section 8-7d, as  
594 amended by this act. Regulations or boundaries or changes therein

595 shall become effective at such time as is fixed by the inland wetlands  
596 agency, provided a copy of such regulation, boundary or change shall  
597 be filed in the office of the town, city or borough clerk, as the case may  
598 be. Whenever an inland wetlands agency makes a change in  
599 regulations or boundaries it shall state upon its records the reason why  
600 the change was made and shall provide a copy of such regulation,  
601 boundary or change to the Commissioner of Environmental Protection  
602 no later than ten days after its adoption provided failure to submit  
603 such regulation, boundary or change shall not impair the validity of  
604 such regulation, boundary or change. All petitions submitted in  
605 writing and in a form prescribed by the inland wetlands agency,  
606 requesting a change in the regulations or the boundaries of an inland  
607 wetland and watercourse area shall be considered at a public hearing  
608 [in the manner provided for establishment of inland wetlands  
609 regulations and boundaries within ninety days after receipt of such  
610 petition. The inland wetlands agency shall act upon the changes  
611 requested in such petition within sixty days after the hearing. The  
612 petitioner may consent to one or more extensions of the periods  
613 specified in this subsection for the holding of the hearing and for  
614 action on such petition, provided the total extension of any such  
615 period shall not be for longer than the original period as specified in  
616 this subsection, or may withdraw such petition] held in accordance  
617 with the provisions of section 8-7d, as amended by this act. The failure  
618 of the inland wetlands agency to act within any time period specified  
619 in this subsection, or any extension thereof, shall not be deemed to  
620 constitute approval of the petition.

621 Sec. 12. Subsection (c) of section 22a-42a of the general statutes is  
622 repealed and the following is substituted in lieu thereof (*Effective*  
623 *October 1, 2003*):

624 (c) (1) On and after the effective date of the municipal regulations  
625 promulgated pursuant to subsection (b) of this section, no regulated  
626 activity shall be conducted upon any inland wetland or watercourse  
627 without a permit. Any person proposing to conduct or cause to be  
628 conducted a regulated activity upon an inland wetland or watercourse

629 shall file an application with the inland wetlands agency of the town or  
630 towns wherein the wetland or watercourse in question is located. The  
631 application shall be in such form and contain such information as the  
632 inland wetlands agency may prescribe. The date of receipt of an  
633 application shall be [the day of the next regularly scheduled meeting of  
634 such inland wetlands agency, immediately following the day of  
635 submission to such inland wetlands agency or its agent of such  
636 application, provided such meeting is no earlier than three business  
637 days after receipt, or thirty-five days after such submission, whichever  
638 is sooner] determined in accordance with the provisions of subsection  
639 (c) of section 8-7d, as amended by this act. The inland wetlands agency  
640 shall not hold a public hearing on such application unless the inland  
641 wetlands agency determines that the proposed activity may have a  
642 significant impact on wetlands or watercourses, a petition signed by at  
643 least twenty-five persons requesting a hearing is filed with the agency  
644 not later than fourteen days after the date of receipt of such  
645 application, or the agency finds that a public hearing regarding such  
646 application would be in the public interest. An inland wetlands agency  
647 may issue a permit without a public hearing provided no petition  
648 provided for in this subsection is filed with the agency on or before the  
649 fourteenth day after the date of receipt of the application. Such hearing  
650 shall be held [no later than sixty-five days after the receipt of such  
651 application. Notice of the hearing shall be published at least twice at  
652 intervals of not less than two days, the first not more than fifteen days  
653 and not fewer than ten days, and the last not less than two days before  
654 the date set for the hearing in a newspaper having a general circulation  
655 in each town where the affected wetland or watercourse, or any part  
656 thereof, is located. All applications and maps and documents relating  
657 thereto shall be open for public inspection. At such hearing any person  
658 or persons may appear and be heard. The hearing shall be completed  
659 within forty-five days of its commencement. Action shall be taken on  
660 such application within thirty-five days after the completion of a  
661 public hearing or in the absence of a public hearing within sixty-five  
662 days from the date of receipt of such application. The applicant may  
663 consent to one or more extensions of the periods specified in this

664 subsection for the holding of the hearing and for action on such  
665 application, provided the total extension of any such period shall not  
666 be for longer than the original period as specified in this subsection, or  
667 may withdraw such application] in accordance with the provisions of  
668 section 8-7d, as amended by this act. If the inland wetlands agency, or  
669 its agent, fails to act on any application within thirty-five days after the  
670 completion of a public hearing or in the absence of a public hearing  
671 within sixty-five days from the date of receipt of the application, or  
672 within any extension of any such period as provided in section 8-7d, as  
673 amended by this act, the applicant may file such application with the  
674 Commissioner of Environmental Protection who shall review and act  
675 on such application in accordance with this section. Any costs incurred  
676 by the commissioner in reviewing such application for such inland  
677 wetlands agency shall be paid by the municipality that established or  
678 authorized the agency. Any fees that would have been paid to such  
679 municipality if such application had not been filed with the  
680 commissioner shall be paid to the state. The failure of the inland  
681 wetlands agency or the commissioner to act within any time period  
682 specified in this subsection, or any extension thereof, shall not be  
683 deemed to constitute approval of the application.

684 (2) An inland wetlands agency may delegate to its duly authorized  
685 agent the authority to approve or extend an activity that is not located  
686 in a wetland or watercourse when such agent finds that the conduct of  
687 such activity would result in no greater than a minimal impact on any  
688 wetland or watercourse provided such agent has completed the  
689 comprehensive training program developed by the commissioner  
690 pursuant to section 22a-39. Notwithstanding the provisions for receipt  
691 and processing applications prescribed in subdivision (1) of this  
692 subsection, such agent may approve or extend such an activity at any  
693 time. Any person receiving such approval from such agent shall,  
694 within ten days of the date of such approval, publish, at the applicant's  
695 expense, notice of the approval in a newspaper having a general  
696 circulation in the town wherein the activity is located or will have an  
697 effect. Any person may appeal such decision of such agent to the  
698 inland wetlands agency within fifteen days after the publication date

699 of the notice and the inland wetlands agency shall consider such  
 700 appeal at its next regularly scheduled meeting provided such meeting  
 701 is no earlier than three business days after receipt by such agency or its  
 702 agent of such appeal. The inland wetlands agency shall, at its  
 703 discretion, sustain, alter or reject the decision of its agent or require an  
 704 application for a permit in accordance with subdivision (1) of  
 705 subsection (c) of this section.

706 Sec. 13. (NEW) (*Effective October 1, 2003*) (a) Whenever an  
 707 application or request is made to a water pollution control authority or  
 708 sewer district for (1) a determination of the adequacy of sewer capacity  
 709 related to a proposed use of land, (2) approval to hook up to a sewer  
 710 system at the expense of the applicant, or (3) approval of any other  
 711 proposal for waste water treatment or disposal at the expense of the  
 712 applicant, the water pollution control authority or sewer district shall  
 713 make a decision on such application or request within sixty-five days  
 714 from the date of receipt, as defined in subsection (c) of section 8-7d of  
 715 the general statutes, as amended by this act, of such application or  
 716 request. The applicant may consent to one or more extensions of such  
 717 period, provided the total of such extensions shall not exceed sixty-five  
 718 days.

719 (b) Notwithstanding any other provision of the general statutes, an  
 720 appeal may be taken from an action of a water pollution control  
 721 agency or sewer district pursuant to subsection (a) of this section in  
 722 accordance with section 8-8 of the general statutes.

723 Sec. 14. (*Effective October 1, 2003*) Sections 8-3h, 8-7b, 8-7e, 8-26f, 22a-  
 724 42b and 22a-42c of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>

Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>

**PD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Various Municipalities	Cost/STATE MANDATE Savings	Potential Minimal	Potential Minimal

### **Explanation**

It is anticipated that certain municipalities could incur costs not currently budgeted for. Any cost would vary from town to town. Increased costs would be attributable to the receipt of numerous land use applications or complex applications that must be acted on in a shorter time frame or as a result of the changes in notification requirements. The exact impact is unknown.

Making the statutory timeframes for all land use applications uniform could reduce errors due to confusion on a notice or an exceeded deadline. This could reduce municipal legal fees associated with appeals by applicants or interested parties. The fiscal impact is anticipated to be minimal.



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**OLR Bill Analysis**

sSB 1024

**AN ACT CONCERNING CONSISTENCY IN MUNICIPAL LAND USE  
ADMINISTRATIVE REVIEW PROCESSES****SUMMARY:**

This bill standardizes the timeframes under which land use commissions must act on applications and the requirements under which they must notify the public and other parties about the public hearings they hold on these matters. In doing so, it changes the timeframes for wetlands commissions to act on applications and the extent to which all land use commissions can extend the timeframes for acting on applications. The bill also makes technical changes.

The bill requires sewer districts and water pollution control authorities to act on certain applications or requests within 65 days after the date they were received. This timeframe applies to requests to determine the sewer capacity of proposed land uses, approvals for sewer connections the applicant must pay, and any other applicant-funded proposal for treating or disposing of wastewater. These bodies can extend this timeframe if the applicant agrees. The bill does not limit the number of extensions they can request, but it does limit the total number of days for all extensions to 65.

EFFECTIVE DATE: October 1, 2003

**LAND USE COMMISSIONS**

The bill standardizes the timeframes under which land use commissions must act on applications, petitions, requests, and appeals and consolidates these timeframes in one section of the statutes. It affects zoning commissions, planning commissions, combined planning and zoning commissions, zoning boards of appeals, and inland wetland commissions.

These commissions issue different types of approvals. Zoning and combined planning and zoning commissions determine whether a proposed project conforms to the zoning regulations. They also decide

whether to change a zoning regulation or boundary, usually when requested by a developer who proposes a land use the regulations do not allow. Planning commissions act on applications to subdivided undeveloped land and regulate how that land must be prepared for development. Zoning boards of appeals (ZBAs) act on requests for exemption from a zoning regulation (i.e., variance). Wetlands commissions act on requests to develop land in or near a wetlands.

As under current law, the bill's timeframes for acting on these applications vary depending on whether the commission holds a public hearing on the application.

## STANDARDIZED TIMEFRAMES FOR ACTING ON APPLICATIONS

### *Applications Heard at Public Hearings*

The bill standardizes the timeframes for starting and completing hearings and acting on land use applications. Most of the timeframes already apply to the zoning decisions.

The bill applies the timeframe for zoning and subdivision decisions to wetlands decisions, but limits the total extension allowed for all the steps in making the decisions. Table 1 compares the bill's timeframes with current law.

**Table 1: Comparison of the Timeframes for Acting on Applications Heard at Public Hearings Under the Bill and Current Law**

<i>Step</i>	<i>Bill</i>	<i>Effect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
Date commission officially receives application	Day of the commission's next regularly scheduled meeting or 35 days after it was submitted, whichever is sooner	No change for zoning and subdivision  The bill eliminates the provision that sets the date for receiving a wetlands application to 35 days after it was submitted when the commission's next regularly scheduled meeting falls within three days after the applicant submitted it.	8-7d(c), Sec. 5;  22a-42a(c)(1), Sec. 12;

<b>Step</b>	<b>Bill</b>	<b>Effect on Current Law</b>	<b>CGS Site and Bill Sec.</b>
Starting hearings	Must be started within 65 days after the date the commission received the application	<p>No change for zoning, subdivision, and wetlands approvals that do not require regulatory changes</p> <p>Wetlands commissions must currently start and finish hearings on requested boundary or regulatory changes within 90 days after receiving the request; the bill's timeframe for both actions is 100 days.</p>	<p>8-7d (a), Sec. 5; 22a-42a(c)(1), Sec. 12;</p> <p>22a-42a(b), Sec. 11</p>
Completing hearings	Must be completed within 35 days after the hearing's start date	<p>No change for zoning and subdivision</p> <p>Wetlands commissions must currently start and finish hearings on requested boundary or regulatory changes within 90 days after receiving the request; the bill's timeframe for both actions is 100 days. Wetlands Commissions must currently finish a hearing on wetlands permit within 45 days after the hearings start date.</p>	<p>8-7d (a), Sec. 5</p> <p>22a-42a(b); Sec. 11</p>
Rendering decisions	Must be rendered within 65 days of the hearing's completion date	<p>No change for zoning and subdivision</p> <p>Currently, wetlands commissions must decide on an application for a boundary or regulatory change within 60 days after completing the hearing; they must act on an application for regulatory approval within 35 days after completing the hearing.</p>	<p>8-7d (a), Sec. 5</p> <p>22a-42a(b), Sec. 5;</p> <p>22a-42a(c)(1);</p>

<b>Step</b>	<b>Bill</b>	<b>Effect on Current Law</b>	<b>CGS Site and Bill Sec.</b>
Extending the above time periods	Applicant can agree to extend any of the above periods, but limits the total extension for all periods to 65 days	<p>Zoning and subdivision applicants can currently agree to extend the period for starting the hearing for up to 65 days, the period of completing the hearing for up to 35 days, and the period for rendering a decision for up to 65 days, for a total maximum extension of 165 days.</p> <p>Applicants seeking a wetlands boundary or regulatory change can currently agree to extend the period for starting and concluding the hearing for up to 90 days and the period for rendering a decision for up to 60 days, for a total maximum period of 150 days.</p> <p>Applicants for wetlands permits can currently agree to extend the period for finishing the hearing for up to 45 days and the period for rendering a decision for up to 35 days, for a total maximum period of 80 days.</p>	<p>8-7d (a), Sec. 5</p> <p>22a-42a(b); Sec. 11</p>

The bill specifies that its timeframes for acting on subdivision and wetlands applications do not apply if the statutes governing these applications set a shorter timeframe. It is not clear how this provision changes current law. As Table 1 shows, the current timeframe for starting and completing subdivision hearings are the same as the bill's timeframes.

The same is also true for starting hearings on wetlands approvals. But the current timeframe for completing hearings on these approvals is longer than the bill's. The current timeframe for acting on a wetland's application is shorter than the bill's (35 days versus 65 days), but the bill repeals this provision.

### ***Applications for Which Public Hearings Were not Held***

The bill and current law set different timeframes for acting on applications for which no hearings were held. As Table 2 shows, the bill standardizes the timeframes for acting on these applications.

**Table 2: Comparison of the Timeframes for Acting on Applications Not Heard at Public Hearings Under the Bill and Current Law**

<i>Step</i>	<i>Bill</i>	<i>Affect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
Date commission officially receives application	Day of the commission's next regularly scheduled meeting or 35 days after it was submitted, whichever is sooner	No change for zoning and subdivision  The bill eliminates the provision that sets the date for receiving a wetlands application to 35 days after it was submitted when the commission's next regularly scheduled meeting falls within three days after the applicant submitted it.	8-7d(c), Sec. 5;  22a-42a(c)(1), Sec. 12
Rendering decisions	Within 65 days after the commission receives application for site plan (zoning), subdivision (planning), and wetlands approvals	No change for site plans, subdivisions, or wetlands approvals	8-7d (b), 8-26d (b) and 22a-42a 9(c) (1), Sec. 9
Extending the period for rendering decision	Applicant can agree to extend the period for rendering a decision for up to 65 days	Currently, site plan applicants can agree to extend the period for rendering a decision period for two 65-day periods, for a maximum of 130 days.  No change for subdivision and wetlands	8-7d (b), Sec. 5;  8-26d (b), Sec. 9; 22a-42a(c), § 12

## STANDARDIZED NOTICE REQUIREMENTS

The bill standardizes the conditions under which land use commissions must notify the public, affected property owners, adjoining towns, and their region's regional planning agency (RPA) about public hearings and the method for doing so. Table 3 shows how the bill changes the current notification requirements.

**Table 3: Analysis of How the Bill Affects Current Notification Requirements**

<i>Party</i>	<i>Bill's Requirement</i>	<i>Affect on Current Law</i>	<i>CGS Site and Bill Sec.</i>
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Public	Publish two notices not less than two days apart in newspaper serving town: first notice to run between 10 and 15 days before hearing and the second not less than two days before the hearing.	No change with respect to hearings on zoning and wetland regulatory changes, except that the bill drops the requirement that the notice regarding a hearing on a zone change be in the form of a legal advertisement. Bill drops the requirement that wetlands publish the notice in newspapers serving each of the other towns affected by the wetland's application. Bill eliminates the current requirement that planning commissions send copy of notice to subdivision applicant by registered or certified mail.	8-3, Sec. 1; 8-3c(b), Sec. 3; 8-7, Sec. 4; 8-25, Sec. 6; 22a-42a(b), Sec. 11; and 22a-42a(c), Sec. 12
Adjacent landowners	Commissions may by regulation give notice of the hearing to people who own or occupy property adjacent to the land that is the subject of the hearing.	Current law limits the notice requirement to adjacent property owners while the bill extends it to the people occupying the property as well.	8-3c(b), Sec. 3; 8-7, Sec. 4; 8-26, Sec. 7; and 8-26e, Sec. 10;
Adjoining towns	Commission must notify adjoining town's clerk by certified mail within seven days of receiving application if: any portion of project is within 500 feet of adjoining town, resulting traffic will use streets in that town to enter or exit project site, water and sewer serving the project will flow through and significantly affect the adjoining town's drainage or sewerage system, and water runoff from project will affect streets and private project in adjoining town.	Bill changes the timeframe by which a zoning board of appeals must notify an adjoining town from within one week before the hearing to within one week after receiving the application.  The bill drops the ban on ZBAs and planning and wetlands' commissions from holding the hearing unless the adjoining town received the notice.  It also drops the requirement that a wetlands applicant notify the adjoining town when his application affects wetlands in that town.	8-7b, Sec. 14; 8-7e, Sec. 14; 8-26f, Sec. 14; 22a-42b, Sec. 14; and 22a-42c, Sec. 14

RPAs	<p>Zoning commission must notify RPA within 30 days before the hearing on a proposed zone change by certified mail, return receipt requested, if the change affects land within 500 feet of an adjacent town. Town must make RPAs report part of the hearing's record.</p> <p>Planning commission must notify RPA by certified mail, return receipt requested, about proposed subdivisions that abut or include land in two or more towns. RPA must report to commission and applicant at or before the hearing about subdivision's potential impact on adjacent towns.</p>	<p>Shortens zoning commissions' deadline for notifying RPAs from 35 to 30 days and requires that notice to be given by certified mail, return receipt requested. Current law requires RPA's report to be read aloud at the hearing.</p> <p>Bill requires commission to send a notice to the RPA about the proposed subdivision instead of sending it a copy of the subdivision plan.</p>	8-3d, Sec. 2
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The bill specifies that land use commissions must make all applications, maps, and documents relating to the hearing available for the public to inspect. This requirement already applies to documents relating to wetlands applications.

The bill eliminates the requirement that ZBA notify the parties in an appeal involving a zoning order, requirement, or decision (CGS § 8-7, bill section 4).

## COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16      Nay 0